


APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 7/7/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:22-cv-06960-VSB

ANDREW FREDERICK SMITH,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC., TRANS UNION, LLC; and VERIZON
COMMUNICATIONS INC.,

Defendants.

In resolving a motion to compel arbitration, courts apply a standard “similar to that applicable for a motion for summary judgment.” *Levy v. Credit Plus, Inc.*, No. 21-CV-5541 (KMK), 2023 WL 2644352, at *4 (S.D.N.Y. Mar. 27, 2023) (citation and quotation marks omitted). Under this standard, I must evaluate the allegations related to the question of whether the parties formed a valid arbitration agreement to determine whether they raise a genuine issue of material fact. *Schnabel v. Trilegiant Corp.*, 697 F.3d 110, 113 (2d Cir. 2012). Where there are no disputed facts regarding the matter of arbitrability, “a court may rule on the basis of that legal issue and avoid the need for further court proceedings.” *Wachovia Bank, Nat’l Ass’n v. VCG Special Opportunities Master Fund, Ltd.*, 661 F.3d 164, 172 (2d Cir. 2011). As Defendants’ motion to compel arbitration is not contested, I find that there are no genuinely disputed factual issues essential to the determination of the applicability of an arbitration provision. *Id.* The motion to compel arbitration is GRANTED, and the Clerk of Court is respectfully requested to close the open motion at Doc. 30. SO ORDERED.

**EXPERIAN INFORMATION SOLUTIONS, INC.’S NOTICE OF MOTION AND
MOTION TO COMPEL ARBITRATION AND STAY THIS ACTION**

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ATTORNEYS FOR DEFENDANT
EXPERIAN INFORMATION SOLUTIONS, INC.

NOTICE OF MOTION AND MOTION TO COMPEL ARBITRATION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion to Compel Arbitration and Stay this Action, Defendant Experian Information Solutions, Inc., by and through its undersigned counsel, will and hereby does move this Court, before the Honorable Vernon S. Broderick, United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, at such date and time as the Court shall designate, for an order, pursuant to the Federal Arbitration Act, compelling this matter to arbitration and staying this action until arbitration is completed.

PLEASE TAKE FURTHER NOTICE that Local Civil Rule 6.1(b)(2) requires that any opposing affidavits and answering memoranda shall be served within fourteen (14) days after service of these moving papers.

PLEASE TAKE FURTHER NOTICE that Experian Information Solutions, Inc.'s reply affidavits and memoranda of law shall be served and filed, in accordance with Local Civil Rule 6.1(b)(3), within seven (7) days after service of the answering papers.

Dated: April 3, 2023

JONES DAY

By: /s/ Alissa M. Fideli

Alissa M. Fideli

Admitted to practice in New York

Attorneys for Defendant

EXPERIAN INFORMATION SOLUTIONS, INC.